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TAGS: [PREL](#) [KAWC](#) [PGOV](#) [HR](#)

SUBJECT: S/WCI AMB. WILLIAMSON MEETING WITH CROATIAN PM
SANADER

Classified By: Rick Holtzapple, PolEcon Counselor, for reasons 1.4 (b)
& (d).

SUMMARY

¶1. (C) PM Sanader told S/WCI Ambassador Williamson that the need to cooperate with ICTY is fully understood by the GoC, and insisted that the GoC has done all it can to find the documents sought by ICTY Prosecutor Brammertz. Sanader is particularly upset at the prospect that Brammertz could imply that Serbia is being more cooperative with The Hague than Croatia. He will attend the UNSC June 4 session to make both points. The GoC is considering whether there are additional steps, such as using outside investigators, that could give its investigation more weight, but seems more focused on getting the Trial Chamber to overrule Brammertz, even if that process takes some time. END SUMMARY.

¶2. (C) Visiting S/WCI Ambassador Clint Williamson met on May 28 with Croatian Prime Minister Ivo Sanader. Sanader was joined by Deputy Prime Minister Jadranka Kosor, Justice Minister Ivan Simonovic, MFA State Secretary Bianca Matkovic, and Foreign Policy Advisor Davor Stier. Sanader said that he, along with Justice Minister Simonovic, was planning to represent Croatia at the June 4 UNSC session scheduled to discuss ICTY issues, and that he would be meeting privately on June 3 in New York with ICTY Prosecutor Brammertz and ICTY Court President Robertson. Sanader added that he hoped to avoid "political aspects" in the discussion of ICTY's work, and in meetings with Brammertz during the Prosecutor's visit to Croatia this week he had told Brammertz that both sides needed to be "fair" in their presentations to the UNSC.

¶3. (C) Sanader reiterated that cooperation with ICTY was a principle of Croatian law, and should not be questioned. Sanader complained strongly that the Prosecutor was "using political means" to try and pressure Croatia into producing more of the documents sought. Sanader cited in particular what he called "inappropriate" calls from the Dutch FM to Croatian FM Jandrokovic. Sanader claimed the process was similar to what Croatia went through in 2005, when allegations were made in very strong terms by the Dutch and others that indictee Ante Gotovina was hiding in or near Croatia, but when Gotovina was captured in the Canary Islands instead, no one even acknowledged that they had made incorrect allegations against Croatia.

¶4. (C) Amb. Williamson replied that he had spoken with Brammertz twice recently, and Brammertz did appear very dug in. The US was trying to play a mediating role, and many in the international community were eager to see the issue resolved, but there were limits to what the international community could do to resolve the situation. The solution lies with persuading Brammertz that Croatia has truly done all that it can. Given that Brammertz had repeatedly questioned the independence and effectiveness of the GoC's

investigations of the missing documents, Amb. Williamson suggested that the GoC could consider assigning investigators from outside the defense ministry, or even invite ICTY investigators to participate. Williamson also noted complaints that Croatian submissions to ICTY had not been well-organized or presented, and suggested the GoC prepare a summary report presenting its findings from the investigation. Such a document could be helpful as well with both the Trial Chamber and interested governments.

15. (C) Sanader said that in New York his effort would be to convince Brammertz and the UNSC not simply that there are no more documents for the GoC to find, but that there is complete commitment in Zagreb to cooperating with the ICTY. Amb. Williamson suggested Sanader's presence at the UNSC would be most persuasive if it was not presented as a defense of Croatian actions, but to underline the seriousness and commitment which Croatia has toward meeting its obligations to ICTY. Sanader said that this would definitely be one part of his presentation. But he added that, if Brammertz's report goes in the direction of saying that Serbia's cooperation with ICTY is better than Croatia's, then he would be compelled to respond.

16. (C) Justice Minister Simonovic noted that the GoC was pursuing two strategies to get past Brammertz's objections. First was to expand the administrative investigation procedures and bring in investigators from outside the Ministry of Defense, as Ambassador Williamson had suggested. The second track is to press the Trial Chamber to render a judgment on the Prosecutor's request for the document, getting the bench to rule on whether the GoC has been

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responsive to this order. Simonovic wondered, however, if the latter approach might not irritate Brammertz. Amb. Williamson responded that asking for a court ruling is a reasonable approach to seek a resolution of the problem, but it would likely be, at best, a lengthy route to getting past the question. Brammertz certainly did not seem to believe that the Chamber would issue a ruling on the question.

17. (C) COMMENT: An explicit, and unflattering for Croatia, comparison of Croatia's and Serbia's cooperation with the ICTY by Brammertz is sure to stir up emotions in Croatia. The GoC cannot believe that failure to arrest the remaining indictees, Mladic and Hadzic, could be judged as less serious than an inability to deliver documents that they say they no longer have. Sanader's presence in New York demonstrates that the GoC understands the significance of Brammertz's continuing complaints about Zagreb. But Croatia's main task is to persuade both Brammertz and other governments of the sincerity of the GOC's efforts to find the documents in question. If Sanader's appearance at the UNSC is too defensive or critical of the Prosecutor, then he will not help that case. The Croatians need to focus their energies on finding ways that can reassure all of us about the integrity of their investigation. This meeting may have been a useful corrective in that regard. END COMMENT.

18. (U) Ambassador Williamson has cleared this cable.
BRADTKE